

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer Technologies, Inc.

v.

Civil No. 06-cv-100-JD

HemCon, Inc.

O R D E R

Marine Polymer, Inc. moves in limine to preclude HemCon, Inc. from arguing, stating, implying, or presenting any evidence related to Marine Polymer's decision not to assert infringement of certain claims of the '245 patent. In support, Marine Polymer asserts that arguments about non-asserted claims would be unfounded, prejudicial, and confusing. HemCon agrees that it will not present evidence, statements, arguments, or implications to the jury about Marine Polymer's decision not to assert infringement of some of the claims in the '245 patent. HemCon reserves the right to introduce that evidence "to the extent that Marine Polymer opens the door for such introduction, or to the extent that the Court otherwise deems such evidence, statements, arguments, or implications to be admissible."

Conclusion

Marine Polymer's motion in limine to preclude evidence that it did not assert infringement of certain claims of the '245

patent (document no. 197) is granted in accord with HemCon's agreement. No questions concerning this subject shall be asked without prior approval of the court.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

March 30, 2010

cc: Julie M. Baher, Esquire
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